

APR-22-92 WED 12:35

ATTACHMENT 3

P. 03

15690

UNITED STATES DEPARTMENT OF THE INTERIOR



FISH AND WILDLIFE SERVICE

FISH AND WILDLIFE ENHANCEMENT
Colorado State Office
730 Simms Street, Suite 290
Golden, CO 80401

Phone: (303) 231-5280

FTS 554-5280

FAX (303) 231-5285

IN REPLY REFER TO:

FWE/CO
MAIL STOP 65412

February 21, 1992

Mr. Martin Hestmark
Manager, Rocky Flats Project (8HWM-FF)
USEPA-Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466

Dear Mr. Hestmark:

As requested, the U.S. Fish and Wildlife Service is providing comments on the document entitled "Interim Measure/Interim Remedial Action (IM/IRA) Decision Document for the Solar Evaporation Ponds (SEPs), Operable Unit 4 (OU4), Rocky Flats Plant."

The Service reviewed the subject document for consistency and compliance with the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Fish and Wildlife Coordination Act (FWCA), and the Bald Eagle Protection Act (BEPA) as applicable or relevant and appropriate requirements (ARAR's) that relate to Service authorities and responsibilities.

The Service is concerned that compliance with the above mentioned Acts is not considered during each phase of the proposed project. Instead, the ESA and FWCA are simply cited as ARARs; and the MBTA and the BEPA are not addressed. The protection and restoration of the species and habitats addressed by the above acts should be an inherent component of all proposed activities.

The following comments relate to specific sections of the document and reflect the concerns stated above.

A-OU04 000386

-Sec. 2.1.6 Ecology

The Ecology section should be updated to reflect the occurrence of threatened and endangered species and associated habitats, as well as species which are candidates for listing as threatened or endangered. The occurrence of these species and associated habitats in relation to construction activity and/or contaminant releases associated with the proposed IM/IRA should be determined.

-Sec. 2.6 Summary of Site Risks

This section addresses human health risks associated with the IM/IRA only and does not address ecological risks associated with the IM/IRA. If this action poses ecological risks or potential impacts, they should be documented and action taken to protect and restore species or habitats affected.

-Sec 2.61 Pathway Exposure Assessment

The conceptual "environmental" exposure pathway for the proposed IM/IRA relates only to the human environment and does not address the ecological environment. However, based on the conceptual model presented, there appears to be a pathway to ecological receptor(s). The significance of this pathway should be documented and action taken to protect the receptor(s).

-Sec. 3.1.2.1 Location of Tanks

In determining the location of storage tanks, migratory bird and threatened and endangered species and associated habitats should be considered and actions taken to protect these species and habitats. If threatened and endangered species habitats occur in the vicinity of the proposed tank location, appropriate surveys should be conducted.

-Sec. 4.3.5 CWA Ambient Water Quality Criteria (AWQC)

For some contaminants, there are more current criteria for the protection of aquatic life than the 1986 criteria presented. These more recent criteria should be incorporated as ARAR's where appropriate.

-Sec. 4.4 Location Specific Requirements

Protection of migratory birds, bald eagles and their associated habitats is required by the MBTA and the BEPA. Therefore, the requirements of these two laws should be listed as ARAR's. The ESA and the FWCA are listed as ARAR's; however, compliance with the requirements of these acts as well as the MBTA and BEPA should be documented.

Mr. Martin Hestmark

3

Please contact John Wegerzyn at (303) 231-5280 if you have questions. Thank you for considering our technical assistance contributions on OU4 and other Rocky Flats CERCLA issues.

Sincerely,



LeRoy W. Carlson
Colorado State Supervisor

cc: FWS/ARD-FWE, Region 6
FWS/FWE/SLC
USDOE-Rocky Flats Office (Attn: David Simonson)
CDNR-(Attn: Ron Cattany)
CDOW-Central Region (Attn: David Weber)
CDH (Attn: Gary Baughman)

Reference: Comments.005

Reading File

File: Contam./Superfund/Rockyflats/OU4

Response to Comment 107:

When chemicals and/or radionuclides are not detected in a certain medium, these "non-detect" areas may still be interpreted as having contaminants at the detection limit. This is one of a few methods for interpreting "non-detect" data for use in risk assessments. This sentence will be deleted instead of explaining further how data is interpreted for use.

6.2.3 Citizen Comments

Commentor: Deborah Houy
2442 Fourth Street, Apt. C
Boulder, Colorado 80302

Comment 108:

Ms. Houy included a copy of a newspaper article dated Sept. 8, 1991. The article was from the Boulder Camera, and was opposed to a restart of Rocky Flats production operations. Ms. Houy comment was that she agreed with the authors position.

Response to Comment 108:

The IM/IRA proposed for the SEPs is needed to be able to continue with environmental restoration activities and is not related to resumption of production operations.

Commentor: Mr. John Vail
3609 Meade Street
Denver, Colorado 80211

Comment 109:

Mr. Vail submitted information for an alternative treatment system for SEP liquids.

Response to Comment 109:

The proposed technology is not applicable for all of the contaminants of concern at the SEPs. DOE appreciates the interest shown by Mr. Vail.

6.2.4 U.S. Fish and Wildlife Service CommentsComment 110 - Section 2.1.6 Ecology:

The Ecology section should be updated to reflect the occurrence of threatened and endangered species and associated habitats, as well as species which are candidates for listing as threatened or endangered. The occurrence of these species and associated habitats in relation to construction activity and/or contaminant releases associated with the proposed IM/IRA should be determined.

Response 110:

The Ecology section has been rewritten to reflect the Endangered Species Act, including a habitat survey which was done on 4 March 1992.

Comment 111 - Section 2.6 Summary of Site Risks:

This section addresses human health risks associated with the IM/IRA only and does not address ecological risks associated with the IM/IRA. If this action poses ecological risks or potential impacts, they should be documented and action taken to protect and restore species or habitats affected.

Response 111:

Related activities for the OU4 IM/IRA consist of changing the present evaporation system (i.e., use of the solar evaporation ponds) to the use of forced evaporation utilizing flash evaporators in the 910 building. Ground water will continue to be collected by the interceptor trench system (ITS) and instead of being discharged to the solar ponds will be routed to temporary storage tanks and subsequently treated by the flash evaporators. The pathway that could potentially deliver contaminants to receptors are not complete because the ground water will continue to be intercepted by the ITS. Therefore, the potential for human health and ecological risk has not changed from current conditions. The flash evaporators are no more likely to pose an ecological risk than the current treatment system.

Comment 112 - Section 2.6.1 Pathway Exposure Assessment:

The conceptual "environmental" exposure pathway for the proposed IM/IRA relates only to the human environmental and does not address the ecological environment. However, based on the conceptual model presented, there appears to be a pathway to ecological receptor(s). The significance of this pathway should be documented and action taken to protect the receptor(s).

Response 112:

The receptors for the air dispersion pathways delineated in Figure 2-7 could include ecological receptors as well as off-site public workers. The concentrations of contaminants in the SEPs do not, however, suggest an increased ecological risk from this pathway during the IM/IRA.

Comment 113 - Section 3.1.2.1 Location of Tanks:

In determining the location of storage tanks, migratory bird and threatened and endangered species and associated habitats should be considered and actions taken to protect these species and habitats. If threatened and endangered species habitats occur in the vicinity of the proposed tank location, appropriate surveys should be conducted.

Response 113:

A survey was conducted on 4 March 1992 for habitat appropriate for the recently-listed plant species Spiranthes diluvialis. No suitable habitat exists in the area proposed for the location of the tanks. A copy of the report is provided in Appendix D.

Comment 114 - Section 4.3.5 CWA Ambient Water Quality Criteria (ASOC):

For some contaminants, there are more current criteria for the protection of aquatic life than the 1986 criteria presented. These more recent criteria should be incorporated as ARARs where appropriate.

Response 114:

Only documented published legal criteria were utilized in the development of potential ARARs for this IM/IRA. To date the most current criteria identified for the IM/IRA for protection of aquatic life is the 1986 criteria presented. However, site-wide ARARs are being negotiated and resolved by DOE, EPA, and CDH and more recent information may be incorporated during the site-wide ARARs analysis.

Comment 115 - Section 4.4 Location Specific Requirements:

Protection of migratory birds, bald eagles and their associated habitats is required by the MBTA and the BEPA. Therefore, the requirements of these two laws should be listed as ARARs. The ESA and the FWCA are listed as ARARs; however, compliance with the requirements of these acts as well as the MBTA and BEPA should be documented.

Response 115:

MTBA and BEPA have been added to the location specific ARAR list in the IM/IRA. Compliance with these requirements are being documented through the creation of a Resource Protection Program. The details of the RFP are presently being developed.